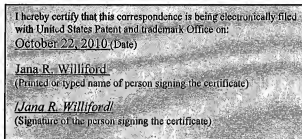


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David B. Kramer, *et al.*
Serial No.: 10/044,185
Filed: January 9, 2002
Title: NON-BLOCKING CROSSBAR AND
METHOD OF OPERATION THEREOF
Grp./A.U.: 2461
Examiner: Jason E. Mattis
Confirmation No.: 9779

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Appellants have carefully considered this application in connection with the Examiner's Final Rejection electronically delivered July 26, 2010 (hereinafter "Office Action"), and respectfully request a pre-appeal brief review of this application in view of the following remarks.

REMARKS/ARGUMENTS

Claims 1-20 are currently pending in the Application.

I. Rejection of Claims 1-3, 6-10, and 13-14 under 35 U.S.C. §103

The Examiner has rejected Claims 1-3, 6-10, and 13-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0110086 by Reches (hereinafter "Reches") in view of U.S. Patent No. 5,412,648 to Fan (hereinafter "Fan"). The Applicants respectfully disagree since the cited portions of the cited combination of Reches and Fan, as applied by the Examiner, do not teach or suggest each of n outputs, each having a destination first-in, first-out buffer (FIFO) and n crossbar FIFOs, wherein each of the n crossbar FIFOs interposes a corresponding one of each of n inputs and the destination FIFO of the output as recited in pending independent Claims 1 and 8.

The Examiner cites the embodiment of Fig. 1 of Reches to assert a teaching of where each of n crossbar FIFOs interposes a corresponding one of each of n inputs. However, Fig. 1 of Reches shows that queues 21, 23, and 29 (equated by the Examiner as the claimed n crossbar FIFOs) only interpose input M and output port 62 (where a queue in the output port is equated as the claimed destination FIFOs). In contrast, Fig. 2 of the original specification shows that each of the n crossbar FIFOs for a destination FIFO interposes the destination FIFO and a corresponding one of each of the n inputs. For example, as depicted in Fig. 2 of the original specification, crossbar FIFOs 220, 222, and 224 connect to destination FIFO 226. However, rather than each of the crossbar FIFOs 220, 222, and 224 connecting to the same input as taught in Fig. 1 of Reches, each of the crossbar FIFOs

connect to a corresponding one of the n inputs. That is, crossbar FIFO 220 interposes input 1 and destination FIFO 226; crossbar FIFO 222 interposes input 2 and destination FIFO 226; and crossbar FIFO 224 interposes input 3 and destination FIFO 226.

As such, the cited portion of Reches does not teach or suggest wherein each of the n crossbar FIFOs interposes a corresponding one of each of n inputs and the destination FIFO of the output as recited in pending independent Claims 1 and 8. Fan has not been cited to cure the above-noted deficiencies of the cited portions of Reches. As such, the cited portions of the cited combination of Reches and Fan, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claims 1 and 8 and Claims that depend thereon. Accordingly, the Appellants respectfully request the Review Panel to remove the §103(a) rejection of Claims 1-3, 6-10, and 13-14 and allow issuance thereof.

II. Rejection of Claims 4-5 and 11-12 under 35 U.S.C. §103

The Examiner has rejected Claims 4-5, and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of Fan and in further view of U.S. Patent No. 6,975,638 to Chen, *et al.* (hereinafter “Chen”). As established above, the cited portions of the cited combination of Reches and Fan, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claims 1 and 8. Chen has not been cited to cure the above-noted deficiencies of the cited combination of Reches and Fan. As such, the cited portions of the cited combination of Reches, Fan, and Chen, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claims 1 and 8 and Claims that depend thereon. Accordingly,

the Appellants respectfully request the Review Panel to remove the §103(a) rejection of Claims 4-5 and 11-12 and allow issuance thereof.

III. Rejection of Claims 15-17 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 15-17, and 20 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of Fan and in further view of U.S. Patent No. 5,905,873 to Hartmann, *et al.* (hereinafter "Hartmann"). As established above, the cited portions of the cited combination of Reches and Fan, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claims 1 and 8. Analogously, the cited portions of the cited combination of Reches and Fan, as applied by the Examiner, do not provide a *prima facie* case of obviousness of pending independent Claim 15. Hartmann has not been cited to cure the above-noted deficiencies of the cited combination of Reches and Fan. As such, the cited portions of the cited combination of Reches, Fan, and Hartmann, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claim 15 and Claims that depend thereon. Accordingly, the Appellants respectfully request the Review Panel to remove the §103(a) rejection of Claims 15-17 and 20 and allow issuance thereof.

IV. Rejection of Claims 18-19 under 35 U.S.C. §103

The Examiner has rejected Claims 18-19 under 35 U.S.C. §103(a) as being unpatentable over Reches in view of Fan and Hartmann and in further view of Chen. As established above, the cited portions of the cited combination of Reches, Fan, and Hartmann do not provide a *prima facie* case of

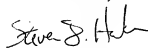
obviousness for pending independent Claim 15. Chen has not been cited to cure the above-noted deficiencies of the cited combination of Reches, Fan, and Hartmann. As such, the cited portions of the cited combination of Reches, Fan, Hartmann, and Chen, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claim 15 and Claims that depend thereon. Accordingly, the Appellants respectfully request the Review Panel to remove the §103(a) rejection of Claims 18-19 and allow issuance thereof.

V. Conclusion

In view of the foregoing remarks, the Appellants respectfully submit that all of the claims currently pending in this Application are in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20. The Appellants request the Review Panel to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, P.C.



Steven J. Hanke
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Dated: October 22, 2010

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

KRAMER 2-1-3

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on October 22, 2010Signature /Jana R. Williford/Typed or printed name Jana R. Williford

Application Number

10/044,185

Filed

January 9, 2002

First Named Inventor

David B. Kramer

Art Unit

2461

Examiner

Jason E. Mattis

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Steven J. Hanke/

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Steven J. Hanke

Signature

Typed or printed name

☒ attorney or agent of record.

Registration number 58,076

972-480-8800

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

October 22, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.